

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:07CV9

JEFFREY BROOKS TEMPLETON,)	
AMY L. TEMPLETON, JEFF TEMPLETON)	
RENTALS, LLC, ELIZABETH A.)	
COLONNA, TRUSTEE, D. NEIL HARTLEY,)	<u>R E M A N D</u>
AUDREY W. HARTLEY, JAMES R.)	<u>O R D E R</u>
HARTLEY, IVA N. HARTLEY, LEWIS L.)	
PHILLIPS, and FRANCES PHILLIPS,)	
Plaintiffs,)	
)	
vs.)	_____
)	
TOWN OF BOONE,)	
Defendant.)	
)	

THIS MATTER is before the Court on Plaintiffs' Motion For Remand pursuant to 28 U.S.C. §1447, filed March 9, 2007. (Documents #6, #7)

On December 21, 2006, Plaintiffs filed a complaint in the Superior Court of Watauga County, North Carolina. In the complaint, Plaintiffs asserted a number of state law causes of action, as well as causes of action raising federal claims under 42 U.S.C. § 1983 and the United States Constitution. On January 19, 2007, Defendant removed the case to this Court based upon the federal claims alleged in Plaintiffs' Complaint. (Document #1). However, on March 1, 2007, Plaintiffs filed an Amended Complaint that does not include any federal question cause of action. (Document #4) Plaintiffs now seek to remand the action to Watauga County Superior Court. Plaintiffs represent that Defendant Town of Boone, through counsel, consents to remand.

While the Court may maintain supplemental jurisdiction over the remaining state law claims, the Court declines to exercise such authority and remands this action to the Superior Court of Watauga County, North Carolina, consistent with the parties' request. See 28 U.S.C. § 1367(a) and (c)(3).

IT IS, THEREFORE, ORDERED that this case is **REMANDED** to the General Court of Justice, Superior Court Division, of Watauga County, North Carolina, for all purposes and future proceedings. Accordingly, the Deputy Clerk is directed to forward the court file to the appropriate state court clerk.

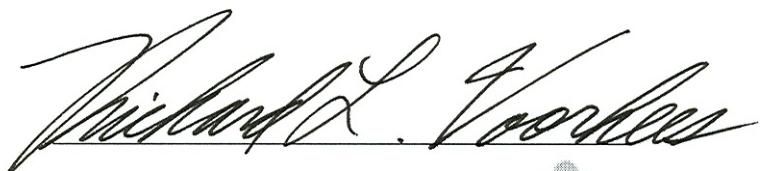
Signed: March 21, 2007



Richard L. Voorhees
United States District Judge



Signed: June 30, 2005



Richard L. Voorhees
United States District Judge

